

FILED  
U.S. BANKRUPTCY COURT S.C.  
NORTHERN DISTRICT OF IOWA

JUN 18 1991

# United States Bankruptcy Court

For the NORTHERN District of IOWA

Chapter 7

BARBARA A. EVERLY, CLERK

IN RE: RICHARD BANGERT, Debtor.

Case No. X89-01866S

UNITED STATES OF AMERICA, Plaintiff  
v.

RICHARD BANGERT, Defendant

Adversary Proceeding No. X90-0051S

## JUDGMENT

- ☐ This proceeding having come on for trial or hearing before the court, the Honorable  
WILLIAM L. EDMONDS, United States Bankruptcy Judge, presiding, and  
the issues having been duly tried or heard and a decision having been rendered.

[OR]

- ☒ The issues of this proceeding having been duly considered by the Honorable  
WILLIAM L. EDMONDS, United States Bankruptcy Judge, and a decision  
having been reached without trial or hearing,

### IT IS ORDERED AND ADJUDGED:

that the United States of America shall recover from Richard Bangert the sum of \$20,000.00. This judgment is excepted from Richard Bangert's bankruptcy discharge pursuant to 11 U.S.C. § 523(a)(6). Any sums that Richard Bangert may pay to the United States as a result of any restitution which may be ordered by the court in United States v. Bangert, No. CR90-4034 now pending in the United States District Court for the Northern District of Iowa shall be deemed payments made toward the satisfaction of the judgment in this matter. Richard Bangert shall satisfy the judgment by paying \$100.00 per month to the United States beginning on the first day of the month following entry of this judgment. So long as Bangert's monthly payments to the United States are current, the United States may not garnish Bangert's wages. This limitation applies to wage garnishment only.



copies mailed with order on  
6/18/91 *LL*

Vol. III  
Page 30

BARBARA A. EVERLY  
Clerk of Bankruptcy Court

[Seal of the U.S. Bankruptcy Court]

Date of issuance: 6-18-91

By: Larissa Slagter  
Deputy Clerk

UNITED STATES BANKRUPTCY COURT  
FOR THE NORTHERN DISTRICT OF IOWA  
WESTERN DIVISION

FILED  
U.S. BANKRUPTCY COURT S.C.  
NORTHERN DISTRICT OF IOWA

JUN 18 1991

BARBARA A. EVERLY, CLERK

IN RE:

RICHARD BANGERT,	)	Chapter 7
	)	
Debtor.	)	Bankruptcy No. X91-01866S
-----		
UNITED STATES OF AMERICA,	)	
	)	
Plaintiff,	)	Adversary No. X91-0051S
	)	
vs.	)	
	)	
RICHARD BANGERT,	)	
	)	
Defendant.	)	

ORDER RE: CONSENT JUDGMENT

The parties to this adversary proceeding have filed a "Consent Judgment." The court has examined the "Consent Judgment" and finds that judgment should enter in favor of the United States of America and against the defendant Richard Bangert in accordance therewith. Accordingly,

IT IS ORDERED that judgment shall enter that United States of America shall recover from Richard Bangert the sum of \$20,000.00. This judgment is excepted from Richard Bangert's bankruptcy discharge pursuant to 11 U.S.C. § 523(a)(6). Any sums that Richard Bangert may pay to the United States as a result of any restitution which may be ordered by the court in United States v. Bangert, No. CR90-4034 now pending in the United States District Court for the Northern District of Iowa shall be deemed payments made toward the satisfaction of the judgment in this matter. Richard Bangert shall satisfy the judgment by paying \$100.00 per

month to the United States beginning on the first day of the month following entry of this judgment. So long as Bangert's monthly payments to the United States are current, the United States may not garnish Bangert's wages. This limitation applies to wage garnishment only.

SO ORDERED ON THIS 18<sup>th</sup> DAY OF JUNE, 1991.



William L. Edmonds, Bankruptcy Judge

I certify that on 6-18-91 copies of this order and judgment were served by U. S. mail on: LF

U. S. Trustee  
U. S. Attorney  
Kay Dull

UNITED STATES BANKRUPTCY COURT  
FOR THE NORTHERN DISTRICT OF IOWA

Court No. X89-1866S Adversary No. X90-0051S

ABSTRACT OF JUDGMENT

NOTICE

Pursuant to Title 28, United States Code, Section 3201, this judgment, upon the filing of this abstract in the manner in which a notice of tax lien would be filed under paragraphs (1) and (2) of 26 U.S.C. §6323(f), creates a lien on all real property of the defendant(s) and has priority over all other liens or encumbrances which are perfected later in time. The lien created by this section is effective, unless satisfied, for a period of 20 years and may be renewed by filing a notice of renewal. If such notice of renewal is filed before the expiration of the 20 year period to prevent the expiration of the lien and the court approves the renewal, the lien shall relate back to the date the judgment is filed.

Names and Addresses of Parties against whom judgments have been obtained	Names of Parties in whose favor judgments have been obtained
Richard Murray Bangert 404 Tenth Street West Sibley, Iowa 51249	UNITED STATES OF AMERICA

Amount of Judgment	Names of Creditors' Attorneys	When Docketed
\$ <u>20,000.00</u> <u>no interest</u>	United States Attorney's Office Northern District of Iowa 425 Second Street, S.E., Suite 950 Cedar Rapids, Iowa 52401  Attn: Financial Litigation Unit	June 18, 1991

UNITED STATES OF AMERICA,

CLERK'S OFFICE

U.S. BANKRUPTCY

COURT FOR THE

NORTHERN DISTRICT OF IOWA  
SS.

I CERTIFY, That the foregoing is a correct Abstract of the Judgment entered or registered by this Court.

Date, Cedar Rapids,

July 29, 19 91

BARBARA A. EVERLY

, Clerk

By

[Signature]

, Deputy Clerk.



Recorded: Vol. III

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*Orig. to return to USAP 1/30/91*

UNITED STATES BANKRUPTCY COURT  
NORTHERN DISTRICT OF IOWA

FILED  
U.S. BANKRUPTCY COURT  
NORTHERN DISTRICT OF IOWA  
MAY 14 1992

IN RE: RICHARD BANGERT, )  
 )  
Debtor, )  
 )  
UNITED STATES OF AMERICA, )  
 )  
Plaintiff, )  
 )  
v. )  
 )  
RICHARD BANGERT, )  
 )  
Defendant. )  
 )  
and )  
 )  
IOWA ELECTRIC LIGHT & POWER CO., )  
 )  
Garnishee. )

CHAPTER 7  
Case No. X 89-1866S  
Adversary No. X 90-0051S

BARBARA A. EVERLY, CLERK

APPLICATION FOR WRIT OF CONTINUING GARNISHMENT

The United States of America, Plaintiff, makes application in accordance with 28 U.S.C. § 3205(b)(1) to the Clerk of the United States Bankruptcy Court to issue a Writ of Garnishment upon the judgment entered against the Defendant Richard Bangert (hereafter referred to as "the judgment debtor") Social Security number 480-62-2104, whose last known address is: P.O. Box 523, Spirit Lake, Iowa, 51360. A judgment in the amount of \$20,000.00 plus costs was entered against the judgment debtor on or about June 18, 1992 for a non-dischargeable bankruptcy debt in the above cited action. The sum of \$400.00 has been credited to the judgment debt, with a total balance due of \$19,605.00 as of February 11, 1992, plus accruing costs in this action. Plaintiff

further requests that it be allowed to recover as part of this garnishment, a surcharge of ten percent (10%) of the amount of the currently outstanding debt, or \$1,960.50, pursuant to 28 U.S.C. § 3011(a).

Demand for payment of the above-stated debt was made upon the judgment debtor not less than 30 days from February 11, 1992, and judgment debtor has failed to satisfy the debt.

The Garnishee is believed to owe or will owe money or property to the judgment debtor, or is in possession of property of the judgment debtor, and said property is a nonexempt interest of the judgment debtor.

The name, address and telephone number of the Garnishee is:

Iowa Electric Light & Power Co.  
P.O. Box 351  
Cedar Rapids, Iowa 52406  
319-398-4666 (Legal Department)

Respectfully submitted,

CHARLES W. LARSON  
United States Attorney

By, 

KRISTIN I. TOLVSTAD  
Assistant United States Attorney  
425 Second Street S.E.  
Suite 950, The Center  
Cedar Rapids, Iowa 52401  
319-363-6333

UNITED STATES BANKRUPTCY COURT  
NORTHERN DISTRICT OF IOWA

FILED  
U.S. BANKRUPTCY COURT  
NORTHERN DISTRICT OF IOWA  
MAY 14 1992

IN RE: RICHARD BANGERT,	)	CHAPTER 7
	)	
Debtor,	)	Case No. X 89-1866S
	)	
UNITED STATES OF AMERICA,	)	Adversary No. X 90-0051S
	)	
Plaintiff,	)	
	)	
v.	)	
	)	
RICHARD BANGERT,	)	
	)	
Defendant.	)	
	)	
and	)	
	)	
IOWA ELECTRIC LIGHT & POWER CO.,	)	
	)	
Garnishee.	)	

WRIT OF CONTINUING GARNISHMENT

GREETINGS TO: Iowa Electric Light & Power Co.  
P.O. Box 351  
Cedar Rapids, Iowa 52406

An application for a Writ of Garnishment against the property of Richard Bangert, Defendant, (hereafter referred to as "the judgment debtor") has been filed with this Court. A judgment has been entered against the above-named judgment debtor for a non-dischargeable bankruptcy debt with a present balance of \$19,605.00, as of February 11, 1992, plus accruing costs of this action. Plaintiff is further entitled to recover as a part of this garnishment a surcharge of ten percent (10%) of the amount of the currently outstanding debt, or \$1,960.50 pursuant to 28 U.S.C. § 3011(a).

*Original returned to U.S. Bankruptcy Court  
5-19-92*

*Recorded Vol. III  
Page 30*

You are hereby required to withhold and retain pending further Order, any property or funds in which the judgment debtor has a substantial non-exempt interest and for which you are now or may in the future become indebted to the judgment debtor, Richard Bangert.

You are further required by law to answer in writing, under oath, within ten (10) days, whether or not you have in your custody, control or possession, any property owned by or due to the judgment debtor, including non-exempt, disposable earnings.

Please state whether or not you anticipate paying the judgment debtor any future payments and whether such payments are weekly, bi-weekly or monthly.

You must, within ten (10) days of your receipt of this writ, file the original written answer to this writ with the United States Bankruptcy Clerk at: 425 Second Street, S.E., Suite 800, Cedar Rapids, Iowa, 52401. Additionally, you are required by law to serve a copy of your answer upon the judgment debtor at: P.O. Box 523, Spirit Lake, Iowa, 51360, and upon the United States Attorney, 425 Second Street, S.E., Suite 950, Cedar Rapids, Iowa 52401.

Under the law, there is property which may be exempt from this writ of Garnishment. Property which is exempt and which is not subject to this order is listed in the accompanying Clerk's Notice of Post Judgment Garnishment.

Pursuant to 15 U.S.C. §1674, Garnishee is prohibited from discharging the judgment debtor from employment by reason of the



fact that his earnings have been subject to garnishment for any one indebtedness.

If you fail to answer this writ or withhold property in accordance with this writ, the United States of America may petition the Court for an order requiring you to appear before the Court. If you fail to appear or do appear and fail to show good cause why you failed to comply with this writ, the Court may enter a judgment against you for the value of the judgment debtor's non-exempt property. It is unlawful to pay or deliver to the judgment debtor any item attached by this writ.

Date 5-14-92

BARBARA A. EVERLY  
UNITED STATES BANKRUPTCY COURT CLERK

By: Miriam A. Golay  
Deputy

UNITED STATES BANKRUPTCY COURT  
NORTHERN DISTRICT OF IOWA

FILED  
U.S. BANKRUPTCY COURT  
NORTHERN DISTRICT OF IOWA

MAY 14 1992

BARBARA A. EVERLY, CLERK

IN RE: RICHARD BANGERT,	)	CHAPTER 7
	)	
Debtor,	)	Case No. X 89-1866S
	)	
UNITED STATES OF AMERICA,	)	Adversary No. X 90-0051S
	)	
Plaintiff,	)	
	)	
v.	)	
	)	
RICHARD BANGERT,	)	
	)	
Defendant.	)	

NOTICE OF GARNISHMENT AND INSTRUCTIONS  
TO THE ABOVE-NAMED DEFENDANT OR DEBTOR:

YOU ARE HEREBY NOTIFIED that a Garnishment was issued based upon a judgment entered against you on June 18, 1991, and the Garnishment was served on Iowa Electric Light and Power Company, Garnishee, and it is believed that the Garnishee may, now or in the future, has or have property or funds of yours in their custody, possession or control.

YOU ARE FURTHER NOTIFIED that, unless within twenty (20) days from the date of receipt of the Answer of the Garnishee, you file written objections to that answer or to explain why you think these funds are exempt from execution under state or federal law and request a hearing, a Court Order will be entered directing disposition of the funds or property and the funds or property will be applied against the judgment owed the United States of America.

Any objection that you file to contest the garnishment must be filed in the office of the Clerk of the United States Bankruptcy Court, Northern District of Iowa, at 425 Second Street, S.E., Suite 800, Cedar Rapids, Iowa, 52401. The objection must state your reasons for believing that this property is not subject to garnishment by the United States of America. A copy of the objection or other pleadings must also be served on: (1) the United States Attorney for the Northern District of Iowa, 425 Second Street, S.E., Suite 950, Cedar Rapids, Iowa, 52401, and (2) Iowa Electric Light and Power Company, P.O. Box 351, Cedar Rapids, Iowa, 52406.

YOU MAY WISH TO CONSULT A LAWYER FOR ADVICE AS TO THE MEANING OF THIS NOTICE.

CHARLES W. LARSON  
United States Attorney

By, 

KRISTIN I. TOLVSTAD  
Assistant United States Attorney  
425 Second Street S.E.  
Suite 950, The Center  
Cedar Rapids, Iowa 52401  
319-363-6333

UNITED STATES BANKRUPTCY COURT  
NORTHERN DISTRICT OF IOWA

FILED  
U.S. BANKRUPTCY COURT  
NORTHERN DISTRICT OF IOWA  
MAY 14 1992

BARBARA A. EVERLY, CLERK

IN RE: RICHARD BANGERT,	)	CHAPTER 7
	)	
Debtor,	)	Case No. X 89-1866S
	)	
UNITED STATES OF AMERICA,	)	Adversary No. X 90-0051S
	)	
Plaintiff,	)	
	)	
v.	)	
	)	
RICHARD BANGERT,	)	
	)	
Defendant.	)	

CLERK'S NOTICE OF POST-JUDGMENT GARNISHMENT

You are hereby notified that this garnishment action is being taken by the United States of America which has a judgment in this case in the sum of \$20,000.00 for a non-dischargeable bankruptcy debt. A balance of \$19,605.00 as of February 11, 1992, plus accruing costs of this action remains outstanding.

In addition, you are hereby notified that there are exemptions under the law which may prevent some of the property from being taken by the Government if Richard Bangert can show that the exemptions apply. Attached is a summary of the major exemptions which apply in most situations in the State of Iowa.

If you are Richard Bangert you have a right to ask the Court to return your property to you if you think you do not owe the money to the Government that it claims you do, or if you think the property the Government is taking qualifies under one of the exemptions.

If you want a hearing, you must notify the Court within twenty (20) days after receipt of the notice. You must make your request in writing, and either mail it or deliver it in person to the Bankruptcy Clerk of Court at 425 Second Street, S.E., Suite 800, Cedar Rapids, Iowa, 52401. If you wish, you may use this notice to request the hearing by checking the box below and mailing this notice to the Government at U.S. Attorney's Office, 425 Second Street, S.E., Suite 950, The Center, Cedar Rapids, Iowa, 52401, so the Government will know you want a hearing. The hearing will take place within five (5) days after the clerk receives your request, if you ask for it to take place that quickly, or as soon after that as possible.

At the hearing you may explain to the judge why you think you do not owe the money to the Government. If you do not request a hearing within twenty (20) days of receiving this notice, your property may be sold at public auction and the proceeds of the sale will be applied to the debt you owe the Government.

If you think you live outside the Federal judicial district which the Court is located, you may request, not later than twenty (20) days after you receive this notice, that this proceeding to take your property be transferred by the Court to the Federal judicial district in which you reside. You must make your request in writing, and either mail it or deliver it in person to the Bankruptcy Clerk of the Court, 425 Second Street, S.E., Suite 800, Cedar Rapids, Iowa, 52401. You must also send a

copy of your request to the Government at U.S. Attorney's Office, 425 Second Street, S.E., Suite 950, The Center, Cedar Rapids, Iowa, 52401, so the Government will know you want the proceeding to be transferred.

Be sure to keep a copy of this notice for your own records. If you have any questions about your rights or about this procedure, you should contact a lawyer, an office of public legal assistance, or the bankruptcy clerk of the court. The bankruptcy clerk is not permitted to give legal advice, but can refer you to other sources of information.

Date: 5-14-92

BARBARA A. EVERLY  
CLERK, U.S. BANKRUPTCY COURT

By:   
Deputy Clerk

---

REQUEST FOR HEARING

☐ I hereby request a court hearing. Notice of the hearing should be given to me by mail at:

---

(Address)

---

or telephonically at \_\_\_\_\_.  
(Telephone Number)

Date: \_\_\_\_\_

---

Signature of Judgment Debtor

---

Judgment Debtor's printed name

UNITED STATES BANKRUPTCY COURT  
NORTHERN DISTRICT OF IOWA

IN RE: RICHARD BANGERT,	)	CHAPTER 7
	)	
Debtor,	)	Case No. X 89-1866S
	)	
UNITED STATES OF AMERICA,	)	Adversary No. X 90-0051S
	)	
Plaintiff,	)	
	)	
v.	)	
	)	
RICHARD BANGERT,	)	
	)	
Defendant.	)	

NOTICE TO JUDGMENT DEBTOR ON  
HOW TO CLAIM EXEMPTIONS

The attached pre-judgment or post-judgment process has been issued on request of the United States of America.

The law provides that certain property and wages cannot be taken. Such property is said to be exempted. This Notice lists the exemptions under federal law and your state law. There is no exemption solely because you are having difficulty paying your debts.

If you claim an exemption, you should (i) select either the federal Bankruptcy Code exemptions or the state law exemptions, (ii) fill out the claim for exemption form and (iii) deliver or mail the form to the Clerk's Office of this court and counsel for the United States. You have a right to a hearing within five business days, or as soon as practicable, from the date you file your claim with the court.



If the United States of America as creditor is asking that your wages be withheld, the method of computing the amount of wages which are exempt from garnishment by law is indicated on the Claim for Exemption Form which is attached. You do not need to file a claim for exemption to receive this exemption, but if you believe the wrong amount is being withheld, you may file a claim for exemption.

If you request a hearing, you should come to court ready to explain why your property is exempted, and you should bring any documents which may help you prove your case. If you do not come to court at the designated time and prove that your property is exempt, you may lose some of your rights.

It may be helpful to you to seek the advice of an attorney in this matter.

**CLAIM FOR EXEMPTION FORM**

**MAJOR EXEMPTIONS UNDER FEDERAL LAW**

I claim that the exemption(s) which are checked below apply in this case:

- \_\_\_ 1. Social Security benefits and Supplemental Security income (42 U.S.C. § 407).
- \_\_\_ 2. Veteran's benefits (38 U.S.C. § 3101).
- \_\_\_ 2a. Members of armed services annuities (10 U.S.C. § 1440, 38 U.S.C. § 562).
- \_\_\_ 3. Federal civil service retirement benefits (5 U.S.C. § 8346 and 22 U.S.C. § 4060(c)).
- \_\_\_ 4. Annuities to survivors of federal judges (28 U.S.C. § 376(n)).
- \_\_\_ 5. Longshoremen and Harborworkers Compensation Act (33 U.S.C. § 916).
- \_\_\_ 6. Black lung benefits (30 U.S.C. §§ 931(b)(2)(F) and 932(a)).
- \_\_\_ 6a. Seaman's master's or fisherman's wages, except for child support or spousal support and maintenance (46 U.S.C.A. §§ 1108-1109(a-c)).
- \_\_\_ 6b. Railroad retirement, pension, unemployment benefits (45 U.S.C. §§ 231(m), 352(e)).
- \_\_\_ 7. Compensation for war risk hazards (42 U.S.C. § 1717).
- \_\_\_ 8. BANKRUPTCY CODE (Title 11, United States Code) which generally provides exemptions for:
- \_\_\_ 8a. \$7,500 in equity in a residence.

<u>Address of Residence</u>	<u>Fair Market Value</u>	<u>Liens</u>	<u>Equity</u>
_____	\$ _____	\$ _____	\$ _____
_____			

\_\_\_ 8b. \$1,200 in equity in a motor vehicle.

Property Claimed:

Fair Market Value

\$ \_\_\_\_\_

\_\_\_ 8c. \$500 in jewelry.

Property Claimed:

Fair Market Value

\$ \_\_\_\_\_

\_\_\_ 8d. \$4,000 in personal property.

Property Claimed:

Fair Market Value

\$ \_\_\_\_\_

\_\_\_ 8e. In addition, a debtor who does not own a residence or who has less than \$7,500 in equity in a residence may exempt an additional \$3,750 in personal property. Additional exemptions or limited exemptions apply to such items as insurance contracts, pensions and various benefits such as Social Security.

Property Claimed:

Fair Market Value

\$ \_\_\_\_\_

**NOTE:** If you select the Bankruptcy Code exemptions (lines 8a through 8e above), you may not also claim the state law exemptions listed below.

MAJOR EXEMPTIONS UNDER STATE LAW

NOTE: If you select the exemptions available under state law, the law of the state where you have been domiciled for the greater part of the last 180 days governs your rights.

\_\_\_ 9. State of Iowa, which generally provides exemptions for:

\_\_\_ 9a. Homestead Exemption

		<u>Statute</u>	<u>Fair Market Value</u>
___ (i)	½ A in city plot (give address) _____ _____	\$ 561.1	\$ _____
___ (ii)	40 A if not w/i city plot (give description) _____ _____		\$ _____
___ 9b.	Wearing apparel not to exceed \$1,000 total value and wedding/engagement rings	\$ 627.6	\$ _____ \$ _____
___ 9c.	One shot gun and either one rifle or one musket (describe) _____ _____ _____		\$ _____
___ 9d.	Private libraries, bibles, potraits, pictures, or paintings not to exceed \$1,000 total value (describe) _____ _____		\$ _____
___ 9e.	Burial Plot		\$ _____
___ 9f.	Household furnishings, goods or appliances not to exceed a total of \$2,000 (list items separately) _____ _____ _____ _____ _____		\$ _____ \$ _____ \$ _____ \$ _____ \$ _____

- \_\_\_\_ 9g. Life insurance (describe) \$ \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_
- \_\_\_\_ 9h. Professionally prescribed health aids (describe) \$ \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_
- \_\_\_\_ 9i. Debtors rights
- (1) Social Security Benefits, unemployment compensation, or public assistance benefits (circle one) \$ \_\_\_\_\_
- (2) Veterans Benefit \$ \_\_\_\_\_
- (3) Disability or illness Benefits \$ \_\_\_\_\_
- (4) Alimony, support or separate maintained to the extent necessary for support \$ \_\_\_\_\_
- (5) Payments under pension, annuity or similar plan to extent necessary for support (describe) \$ \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_
- \_\_\_\_ 9j. Any combination of the following not to exceed a total value of \$5,000
- (1) Musical instruments for personal use (describe) \$ \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_
- (2) One motor vehicle (give make, model, year and license number) \$ \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_
- (3) Tax refunds up to \$1,000 \$ \_\_\_\_\_
- \_\_\_\_ 9k. Debtors interest in cash on hand, not to exceed \$100 in the aggregate

\_\_\_\_ 9l. If the debtor is engaged in a profession other than farming, the implements, books, tools of the trade not to exceed a total value of \$10,000 (state the profession and list each item)

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

\$ \_\_\_\_\_  
\$ \_\_\_\_\_  
\$ \_\_\_\_\_  
\$ \_\_\_\_\_  
\$ \_\_\_\_\_

\_\_\_\_ 9m. If the debtor is engaged in farming, the implements, equipment, livestock and feed reasonably related to normal farming operation (list items separately)

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

\$ \_\_\_\_\_  
\$ \_\_\_\_\_  
\$ \_\_\_\_\_  
\$ \_\_\_\_\_  
\$ \_\_\_\_\_

\_\_\_\_\_  
Richard Bangert  
Judgment Debtor/Defendant

UNITED STATES BANKRUPTCY COURT  
NORTHERN DISTRICT OF IOWA

IN RE: RICHARD BANGERT,	)	CHAPTER 7
	)	
Debtor,	)	Case No. X 89-1866S
	)	
UNITED STATES OF AMERICA,	)	Adversary No. X 90-0051S
	)	
Plaintiff,	)	
	)	
v.	)	
	)	
RICHARD BANGERT,	)	
	)	
Defendant.	)	
	)	
and	)	
	)	
IOWA ELECTRIC LIGHT & POWER CO.,	)	
	)	
Garnishee.	)	

TO: Iowa Electric Light & Power Co.  
P.O. Box 351  
Cedar Rapids, Iowa 52406

INSTRUCTIONS TO THE GARNISHEE

**PLEASE READ THESE INSTRUCTIONS CAREFULLY, AS THEY REPRESENT  
A SIGNIFICANT CHANGE IN GARNISHMENT PROCEDURES THAN THAT WHICH  
MAY BE FAMILIAR.**

Attached is a Writ of Garnishment requesting that you determine whether or not you have in your possession, custody or control any of the property or funds of the judgment debtor listed therein, or any other property of the judgment debtor's. Title 28, U.S.C. § 3205(c)(2)(E) requires that you file with the Court a written answer to this writ within 10 days of your receipt of this writ. An answer form is attached for your use.

You must also serve a copy of your answer on the judgment debtor and on the United States Attorney. You are further required to withhold and retain any property or funds in which the judgment debtor has a substantial non-exempt pending interest.

1. AMOUNT GARNISHED. The principal amount, rate of interest, starting date of interest and costs are set out in the Writ of Garnishment served upon you. The amount garnished consists of all of these.
2. AMOUNT WITHHELD. Under federal law, 15 U.S.C. § 1673(a), you should withhold each pay period:
  - (a) 25% of disposable earnings each week,  
or
  - (b) the amount by which disposable earnings for the week exceeds thirty times the federal minimum hourly wage,

whichever is less. If the employee's disposable earnings equal at least the federal minimum hourly wage based upon a 40 hour work week, you will generally be required to withhold 25% of the employee's disposable earnings.

3. "DISPOSABLE EARNINGS" means that part of earnings remaining after deduction of any amount required by law to be withheld (such as amount of deductions for social security taxes and withholding taxes, but not court ordered alimony and child support payments which must be included in "disposable earnings"). 15 U.S.C. § 1672(b): First National Bank v. Hasty, 415 S.Supp. 170 (E.D. Mich., 1976), affirmed 573 F.2d 1310 (6th Cir. 1977).
4. DISBURSEMENT OF WITHHELD AMOUNTS. Each pay period, amounts withheld should be remitted to the Office of the United States Attorney.

Mail remittances to:           United States Attorney Office  
  Attn: Financial Litigation Unit  
  425 Second St. S.E., Suite 950  
  Cedar Rapids, Iowa 52401

Your check or money order should be made payable to the "U.S. Department of Justice." Indicate on each remittance the name of the case and the Court Number, so that proper credit will be given.



5. THIS IS A CONTINUING GARNISHMENT. The garnishment can only be terminated by satisfaction of the full amount of the debt, a court order, or exhaustion of the property or funds held by you unless you re-instate or re-employ the judgment debtor within 90 days of termination or resignation.

IF YOU FAIL TO ANSWER THIS WRIT OR TO WITHHOLD PROPERTY IN ACCORDANCE WITH THE WRIT, THE COURT MAY MAKE YOU LIABLE FOR THAT AMOUNT OF THE DEBTOR'S NON-EXEMPT PROPERTY WHICH YOU FAILED TO WITHHOLD. ADDITIONALLY, YOU MAY BE HELD LIABLE FOR REASONABLE ATTORNEY FEES TO THE UNITED STATES OF AMERICA IF THE UNITED STATES FILES A PETITION TO THE COURT REQUESTING AN EXPLANATION FOR YOUR FAILURE TO COMPLY WITH THIS WRIT.

If you have any additional questions, please call Assistant United States Attorney Kristin I. Tolvstad at telephone number 319-363-6333 or by mail to: 425 Second Street, S.E., Suite 950, The Center, Cedar Rapids, Iowa, 52401.

UNITED STATES BANKRUPTCY COURT  
NORTHERN DISTRICT OF IOWA

IN RE: RICHARD BANGERT,	)	CHAPTER 7
	)	
Debtor,	)	Case No. X 89-1866S
	)	
UNITED STATES OF AMERICA,	)	Adversary No. X 90-0051S
	)	
Plaintiff,	)	
	)	
v.	)	
	)	
RICHARD BANGERT,	)	
	)	
Defendant.	)	
	)	
and	)	
	)	
IOWA ELECTRIC LIGHT & POWER CO.,	)	
	)	
Garnishee.	)	

ANSWER OF THE GARNISHEE

\_\_\_\_\_, BEING DULY SWORN DEPOSES AND SAYS:  
(Name of Person Answering)

On the \_\_\_\_ day of \_\_\_\_\_, 1992, Garnishee was served with the Writ of Continuing Garnishment. For the pay period in effect on the date of service, shown above: (check appropriate response)

Yes No

- \_\_\_ 1. Defendant is/was in my/our employ.
- \_\_\_ 2. Pay period is \_\_\_ weekly, \_\_\_  
\_\_\_ bi-weekly \_\_\_ semi-monthly, \_\_\_  
\_\_\_ monthly.

Enter date present pay period began. \_\_\_\_\_

(Present means the pay period in which this  
order and notice of garnishment were served)

Enter date above pay period ends. \_\_\_\_\_

3. Enter amount of net wages. Calculate below:

(a) Gross Pay \$ \_\_\_\_\_

(b) Federal income tax \$ \_\_\_\_\_

(c) F.I.C.A. income tax \$ \_\_\_\_\_

(d) State income tax \$ \_\_\_\_\_

Total of tax withholdings \$ \_\_\_\_\_

Net Wages \$ \_\_\_\_\_

(a) minus (b) (c) & (d)

Yes No

\_\_\_\_ 4. Have there been previous garnishments in effect.

If the answers is yes, describe below.

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

5. Garnishee anticipates owing to the judgment-  
debtor in the future, the following amounts:

	<u>Amount</u>	<u>Estimate date or</u> <u>Period Due</u>
1.	\$ _____	_____
2.	\$ _____	_____
3.	\$ _____	_____
4.	\$ _____	_____

(Check the applicable line below if you deny that you hold  
property subject to this order of garnishment.)

\_\_\_\_\_ The Garnishee makes the following claim of exemption on the part of Defendant: \_\_\_\_\_

\_\_\_\_\_ The Garnishee has the following objections, defenses, or set-offs to Plaintiff's right to apply Garnishee's indebtedness to Defendant upon Plaintiff's claim: \_\_\_\_\_

\_\_\_\_\_ The Garnishee is in no manner and upon no account indebted or under liability to the judgment debtor, Richard Bangert, and that the Garnishee does not have in his/her possession or control any property belonging to the Defendant, or in which the Garnishee has an interest; and is in no manner liable as Garnishee in this action.

The Garnishee mailed a copy of this answer by first-class mail to (1) the Debtor, Richard Bangert, P.O. Box 523, Spirit Lake, Iowa, 51360, and (2) the attorney for the United States, 425 Second Street, S.E., Suite 950, Cedar Rapids, Iowa, 52401.

I declare under penalty of perjury pursuant to 28 U.S.C. § 1746 that the above is true and correct.

IOWA ELECTRIC LIGHT & POWER CO.  
Garnishee

\_\_\_\_\_  
Signature

\_\_\_\_\_  
(Type or print name)

\_\_\_\_\_  
(Indicate your relationship to Garnishee -- i.e. President, Treasurer, Payroll Clerk, etc.)

ATTACHMENT TO ANSWER OF GARNISHEE

The Original Answer must be mailed to:

Clerk, United States Bankruptcy Court  
425 Second Street, S.E., Suite 800  
Cedar Rapids, Iowa 52401

and a copy of this Answer to:

United States Attorney's Office  
425 Second Street, S.E., Suite 950  
Cedar Rapids, Iowa 52401  
Attention: Financial Litigation Unit

and

Richard Bangert  
P.O. Box 523  
Spirit Lake, Iowa 51360

UNITED STATES BANKRUPTCY COURT  
NORTHERN DISTRICT OF IOWA

FILED  
U.S. BANKRUPTCY COURT  
NORTHERN DISTRICT OF IOWA

MAY 14 1992

IN RE: RICHARD BANGERT,	)	CHAPTER 7	BARBARA A. EVERLY, CLERK
	)		
Debtor,	)	Case No. X 89-1866S	
	)		
UNITED STATES OF AMERICA,	)	Adversary No. X 90-0051S	
	)		
Plaintiff,	)		
	)		
v.	)		
	)		
RICHARD BANGERT,	)		
	)		
Defendant.	)		
	)		
and	)		
	)		
IOWA ELECTRIC LIGHT & POWER CO.,	)		
	)		
Garnishee.	)		

WRIT OF CONTINUING GARNISHMENT

GREETINGS TO: Iowa Electric Light & Power Co.  
P.O. Box 351  
Cedar Rapids, Iowa 52406

An application for a Writ of Garnishment against the property of Richard Bangert, Defendant, (hereafter referred to as "the judgment debtor") has been filed with this Court. A judgment has been entered against the above-named judgment debtor for a non-dischargeable bankruptcy debt with a present balance of \$19,605.00, as of February 11, 1992, plus accruing costs of this action. Plaintiff is further entitled to recover as a part of this garnishment a surcharge of ten percent (10%) of the amount of the currently outstanding debt, or \$1,960.50 pursuant to 28 U.S.C. § 3011(a).

You are hereby required to withhold and retain pending further Order, any property or funds in which the judgment debtor has a substantial non-exempt interest and for which you are now or may in the future become indebted to the judgment debtor, Richard Bangert.

You are further required by law to answer in writing, under oath, within ten (10) days, whether or not you have in your custody, control or possession, any property owned by or due to the judgment debtor, including non-exempt, disposable earnings.

Please state whether or not you anticipate paying the judgment debtor any future payments and whether such payments are weekly, bi-weekly or monthly.

You must, within ten (10) days of your receipt of this writ, file the original written answer to this writ with the United States Bankruptcy Clerk at: 425 Second Street, S.E., Suite 800, Cedar Rapids, Iowa, 52401. Additionally, you are required by law to serve a copy of your answer upon the judgment debtor at: P.O. Box 523, Spirit Lake, Iowa, 51360, and upon the United States Attorney, 425 Second Street, S.E., Suite 950, Cedar Rapids, Iowa 52401.

Under the law, there is property which may be exempt from this writ of Garnishment. Property which is exempt and which is not subject to this order is listed in the accompanying Clerk's Notice of Post Judgment Garnishment.

Pursuant to 15 U.S.C. §1674, Garnishee is prohibited from discharging the judgment debtor from employment by reason of the

fact that his earnings have been subject to garnishment for any one indebtedness.

If you fail to answer this writ or withhold property in accordance with this writ, the United States of America may petition the Court for an order requiring you to appear before the Court. If you fail to appear or do appear and fail to show good cause why you failed to comply with this writ, the Court may enter a judgment against you for the value of the judgment debtor's non-exempt property. It is unlawful to pay or deliver to the judgment debtor any item attached by this writ.

Date 5-14-92

BARBARA A. EVERLY  
UNITED STATES BANKRUPTCY COURT CLERK

By: Miriam A. Golay  
Deputy



UNITED STATES BANKRUPTCY COURT  
NORTHERN DISTRICT OF IOWA

FILED  
U.S. BANKRUPTCY COURT  
NORTHERN DISTRICT OF IOWA

MAY 28 1992

IN RE: RICHARD BANGERT, )  
Debtor, ) CHAPTER 7  
UNITED STATES OF AMERICA, ) Case No. X 89-1866S  
Plaintiff, ) Adversary No. X 90-0051S  
v. )  
RICHARD BANGERT, )  
Defendant. )  
and )  
IOWA ELECTRIC LIGHT & POWER CO., )  
Garnishee. )

ANSWER OF THE GARNISHEE

Bozena E. McVey, BEING DULY SWORN DEPOSES AND SAYS:  
(Name of Person Answering)

On the 21<sup>st</sup> day of May, 1992, Garnishee was served with the Writ of Continuing Garnishment. For the pay period in effect on the date of service, shown above: (check appropriate response)

Yes No

- ☒ 1. Defendant is was in my our employ.
2. Pay period is \_\_\_\_\_ weekly, \_\_\_\_\_  
☒ bi-weekly \_\_\_\_\_ semi-monthly, \_\_\_\_\_  
\_\_\_\_\_ monthly.

Enter date present pay period began. May 10, 1992

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(Present means the pay period in which this order and notice of garnishment were served)

Enter date above pay period ends. May 23, 1992

3. Enter amount of net wages. Calculate below:

(a) Gross Pay (*Includes overtime*) \$ 2787.16  
(b) Federal income tax \$ 493.86  
(c) F.I.C.A. income tax \$ 217.55  
(d) State income tax \$ 164.86  
Total of tax withholdings \$ 871.26  
Net Wages \$ 1915.90  
(a) minus (b) (c) & (d)

Yes No

☒

4. Have there been previous garnishments in effect.

If the answers is yes, describe below.

General Execution issued 11/08/89, expired 01/17/90, for \$6233.80. Sum. Co. Dist Court no. 11319. Stopped December 1989 upon receipt of Chapter 11 filing.

5. Garnishee anticipates owing to the judgment-

debtor in the future, the following amounts:

	<u>Amount</u>	<u>Estimate date or Period Due</u>
1.	\$ <u>1432.00</u> <i>gross pay without overtime</i>	<u>06/12/92</u>
2.	\$ <u>1,139.34</u>	<u>06/26/92</u>
3.	\$ <u>          </u> <i>net pay.</i>	<u>07/10/92</u>
4.	\$ <u>          </u>	<u>07/24/92</u>

(Check the applicable line below if you deny that you hold property subject to this order of garnishment.)

X The Garnishee makes the following claim of exemption on the  
part of Defendant: Federal - Single & 6 exemptions  
State - Single & 6 exemptions

\_\_\_\_\_ The Garnishee has the following objections, defenses, or  
set-offs to Plaintiff's right to apply Garnishee's  
indebtedness to Defendant upon Plaintiff's claim: \_\_\_\_\_

\_\_\_\_\_ The Garnishee is in no manner and upon no account indebted  
or under liability to the judgment debtor, Richard Bangert,  
and that the Garnishee does not have in his/her possession  
or control any property belonging to the Defendant, or in  
which the Garnishee has an interest; and is in no manner  
liable as Garnishee in this action.

The Garnishee mailed a copy of this answer by first-class  
mail to (1) the Debtor, Richard Bangert, P.O. Box 523, Spirit  
Lake, Iowa, 51360, and (2) the attorney for the United States,  
425 Second Street, S.E., Suite 950, Cedar Rapids, Iowa, 52401.

I declare under penalty of perjury pursuant to 28 U.S.C. §  
1746 that the above is true and correct.

IOWA ELECTRIC LIGHT & POWER CO.  
Garnishee

Rozena E. McVey.  
Signature

Rozena E. McVey  
(Type or print name)

Legal Assistant.  
(Indicate your relationship  
to Garnishee -- i.e. President,  
Treasurer, Payroll Clerk, etc.)

ATTACHMENT TO ANSWER OF GARNISHEE

The Original Answer must be mailed to:

Clerk, United States Bankruptcy Court  
425 Second Street, S.E., Suite 800  
Cedar Rapids, Iowa 52401

and a copy of this Answer to:

United States Attorney's Office  
425 Second Street, S.E., Suite 950  
Cedar Rapids, Iowa 52401  
Attention: Financial Litigation Unit

and

Richard Bangert  
P.O. Box 523  
Spirit Lake, Iowa 51360

U.S. Department of Justice  
United States Marshals Service

PROCESS RECEIPT AND RETURN

See Instructions for "Service of Process by the U.S. Marshal" on the reverse of this form.

RECEIVED  
JUN 1 - 1992

PLAINTIFF UNITED STATES OF AMERICA	COURT CASE NUMBER X 89-1866S
DEFENDANT RICHARD BANGERT	TYPE OF PROCESS SEE BELOW
<b>SERVE</b> ➡ <b>AT</b>	NAME OF INDIVIDUAL, COMPANY, CORPORATION, ETC., TO SERVE OR DESCRIPTION OF PROPERTY TO SEIZE OR CONDEMN Richard Bangert ADDRESS (Street or RFD, Apartment No., City, State and ZIP Code) P.O. Box 523 Spirit Lake, Iowa 51360

U.S. BANKRUPTCY COURT  
NORTHERN DISTRICT OF IOWA

JUN - 1 1992

SEND NOTICE OF SERVICE COPY TO REQUESTER AT NAME AND ADDRESS BELOW:

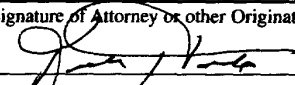
UNITED STATES ATTORNEY  
425 Second Street, S.E.  
Suite 950, The Center  
Cedar Rapids, Iowa 52401

Number of process to be served with this Form	BARBARA A. EVERLY, CLERK
Number of parties to be served in this case	
Check for service on U.S.A.	

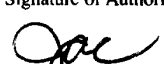
SPECIAL INSTRUCTIONS OR OTHER INFORMATION THAT WILL ASSIST IN EXPEDITING SERVICE (Include Business and Alternate Addresses, All Telephone Numbers, and Estimated Times Available For Service):  
Fold

PLEASE SERVE THE APPLICATION, WRIT, 2 CLERK'S NOTICE OF GARNISHMENT, INSTRUCTIONS TO GARNISHEE, AND NOTICE OF GARNISHMENT & INSTRUCTIONS TO ABOVE DEFENDANT.

ALSO PLEASE SERVE IOWA ELECTRIC BEFORE SERVING DEFENDANT RICHARD BANGERT.

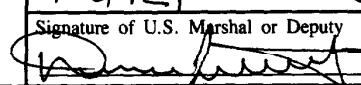
Signature of Attorney or other Originator requesting service on behalf of:  KRISTIN I. TOLVSTAD	<input checked="" type="checkbox"/> PLAINTIFF <input type="checkbox"/> DEFENDANT	TELEPHONE NUMBER 319-363-6333	DATE 5/14/92
---	---	----------------------------------	-----------------

SPACE BELOW FOR USE OF U.S. MARSHAL ONLY — DO NOT WRITE BELOW THIS LINE

I acknowledge receipt for the total number of process indicated. (Sign only first USM 285 if more than one USM 285 is submitted)	Total Process	District of Origin No. 29	District to Serve No. 29	Signature of Authorized USMS Deputy or Clerk  (2)	Date 5-18-92
---	---------------	------------------------------	-----------------------------	---	-----------------

I hereby certify and return that ☒ I have personally served, ☐ I have legal evidence of service, ☐ I have executed as shown in "Remarks", the process described on the individual, company, corporation, etc., at the address shown above or on the individual, company, corporation, etc., shown at the address inserted below.

☐ I hereby certify and return that I am unable to locate the individual, company, corporation, etc., named above (See remarks below)

Name and title of individual served (if not shown above)	<input type="checkbox"/> A person of suitable age and discretion then residing in the defendant's usual place of abode.
Address (complete only if different than shown above)	Date of Service 5/26/92
	Time 1:30 pm
	Signature of U.S. Marshal or Deputy 

Service Fee 100.00	Total Mileage Charges (including endeavors) 55.00	Forwarding Fee	Total Charges 155.00	Advance Deposits	Amount owed to U.S. Marshal or	Amount of Refund
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REMARKS:


Recorded: Vol. III  
page 30

U.S. Department of Justice  
United States Marshals Service

**PROCESS RECEIPT AND RETURN**

See Instructions for "Service of Process by the U.S. Marshal" on the reverse of this form.

PLAINTIFF UNITED STATES OF AMERICA	COURT CASE NUMBER X 89-1866S
DEFENDANT RICHARD BANGERT	TYPE OF PROCESS SEE BELOW

**SERVE**  **AT**

NAME OF INDIVIDUAL, COMPANY, CORPORATION, ETC., TO SERVE OR DESCRIPTION OF PROPERTY TO SEIZE OR CONDEMN  
Iowa Electric Light & Power Company

ADDRESS (Street or RFD, Apartment No., City, State and ZIP Code)  
P.O. Box 351  
Cedar Rapids, Iowa 52406

SEND NOTICE OF SERVICE COPY TO REQUESTER AT NAME AND ADDRESS BELOW:  UNITED STATES ATTORNEY 425 Second Street, S.E. Suite 950, The Center Cedar Rapids, Iowa 52401	Number of process to be served with this Form - 285	
	Number of parties to be served in this case	
	Check for service on U.S.A.	

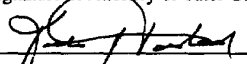
SPECIAL INSTRUCTIONS OR OTHER INFORMATION THAT WILL ASSIST IN EXPEDITING SERVICE (Include Business and Alternate Addresses, All Telephone Numbers, and Estimated Times Available For Service):

Fold PLEASE SERVE IOWA ELECTRIC BEFORE SERVING DEFENDANT RICHARD BANGERT


Fold

PLEASE SERVE THE APPLICATION, WRIT, CLERK'S NOTICE OF GARNISHMENT, INSTRUCTIONS TO GARNISHEE AND ANSWER OF GARNISHEE.

YOU MAY CALL ROZENA MCVAY IN THE LEGAL DEPARTMENT OF IE TO TELL HER THIS GARNISHMENT IS COMING. HER NUMBER IS 319-398-4666.

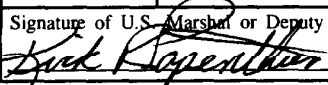
Signature of Attorney or other Originator requesting service on behalf of:  KRISTIN I. TOLVSTAD	<input checked="" type="checkbox"/> PLAINTIFF <input type="checkbox"/> DEFENDANT	TELEPHONE NUMBER 319-363-6333	DATE 5/14/92
---	---	----------------------------------	-----------------

**SPACE BELOW FOR USE OF U.S. MARSHAL ONLY — DO NOT WRITE BELOW THIS LINE**

I acknowledge receipt for the total number of process indicated. (Sign only first USM 285 if more than one USM 285 is submitted)	Total Process	District of Origin No. 29	District to Serve No. 29	Signature of Authorized USMS Deputy or Clerk 	Date 5-18-92
---	---------------	------------------------------	-----------------------------	--	-----------------

I hereby certify and return that I ☒ have personally served, ☐ have legal evidence of service, ☐ have executed as shown in "Remarks", the process described on the individual, company, corporation, etc., at the address shown above or on the individual, company, corporation, etc., shown at the address inserted below.

☐ I hereby certify and return that I am unable to locate the individual, company, corporation, etc., named above (See remarks below)

Name and title of individual served (if not shown above)	<input type="checkbox"/> A person of suitable age and discretion then residing in the defendant's usual place of abode. Date of Service 5-20-92 Time 10:10 Signature of U.S. Marshal or Deputy 
Address (complete only if different than shown above)	

Service Fee \$40.00	Total Mileage Charges (including endeavors) -	Forwarding Fee -	Total Charges \$40.00	Advance Deposits	Amount owed to U.S. Marshal or	Amount of Refund
------------------------	--	---------------------	--------------------------	------------------	--------------------------------	------------------

REMARKS:

UNITED STATES BANKRUPTCY COURT  
NORTHERN DISTRICT OF IOWA

FILED  
U.S. BANKRUPTCY COURT  
NORTHERN DISTRICT OF IOWA

MAY 14 1992

IN RE: RICHARD BANGERT,	)	CHAPTER 7	BARBARA A. EVERLY, CLERK
	)		
Debtor,	)	Case No. X 89-1866S	
	)		
UNITED STATES OF AMERICA,	)	Adversary No. X 90-0051S	
	)		
Plaintiff,	)		
	)		
v.	)		
	)		
RICHARD BANGERT,	)		
	)		
Defendant.	)		
	)		
and	)		
	)		
IOWA ELECTRIC LIGHT & POWER CO.,	)		
	)		
Garnishee.	)		

WRIT OF CONTINUING GARNISHMENT

GREETINGS TO: Iowa Electric Light & Power Co.  
P.O. Box 351  
Cedar Rapids, Iowa 52406

An application for a Writ of Garnishment against the property of Richard Bangert, Defendant, (hereafter referred to as "the judgment debtor") has been filed with this Court. A judgment has been entered against the above-named judgment debtor for a non-dischargeable bankruptcy debt with a present balance of \$19,605.00, as of February 11, 1992, plus accruing costs of this action. Plaintiff is further entitled to recover as a part of this garnishment a surcharge of ten percent (10%) of the amount of the currently outstanding debt, or \$1,960.50 pursuant to 28 U.S.C. § 3011(a).

You are hereby required to withhold and retain pending further Order, any property or funds in which the judgment debtor has a substantial non-exempt interest and for which you are now or may in the future become indebted to the judgment debtor, Richard Bangert.

You are further required by law to answer in writing, under oath, within ten (10) days, whether or not you have in your custody, control or possession, any property owned by or due to the judgment debtor, including non-exempt, disposable earnings.

Please state whether or not you anticipate paying the judgment debtor any future payments and whether such payments are weekly, bi-weekly or monthly.

You must, within ten (10) days of your receipt of this writ, file the original written answer to this writ with the United States Bankruptcy Clerk at: 425 Second Street, S.E., Suite 800, Cedar Rapids, Iowa, 52401. Additionally, you are required by law to serve a copy of your answer upon the judgment debtor at: P.O. Box 523, Spirit Lake, Iowa, 51360, and upon the United States Attorney, 425 Second Street, S.E., Suite 950, Cedar Rapids, Iowa 52401.

Under the law, there is property which may be exempt from this writ of Garnishment. Property which is exempt and which is not subject to this order is listed in the accompanying Clerk's Notice of Post Judgment Garnishment.

Pursuant to 15 U.S.C. §1674, Garnishee is prohibited from discharging the judgment debtor from employment by reason of the



fact that his earnings have been subject to garnishment for any one indebtedness.

If you fail to answer this writ or withhold property in accordance with this writ, the United States of America may petition the Court for an order requiring you to appear before the Court. If you fail to appear or do appear and fail to show good cause why you failed to comply with this writ, the Court may enter a judgment against you for the value of the judgment debtor's non-exempt property. It is unlawful to pay or deliver to the judgment debtor any item attached by this writ.

Date 5-14-92

BARBARA A. EVERLY  
UNITED STATES BANKRUPTCY COURT CLERK

By: Miriam A. Golay  
Deputy

UNITED STATES BANKRUPTCY COURT  
NORTHERN DISTRICT OF IOWA

FILED  
U.S. BANKRUPTCY COURT  
NORTHERN DISTRICT OF IOWA  
MAY 14 1992

BARBARA A. EVERLY, CLERK

IN RE: RICHARD BANGERT,	)	CHAPTER 7
	)	
Debtor,	)	Case No. X 89-1866S
	)	
UNITED STATES OF AMERICA,	)	Adversary No. X 90-0051S
	)	
Plaintiff,	)	
	)	
v.	)	
	)	
RICHARD BANGERT,	)	
	)	
Defendant.	)	

CLERK'S NOTICE OF POST-JUDGMENT GARNISHMENT

You are hereby notified that this garnishment action is being taken by the United States of America which has a judgment in this case in the sum of \$20,000.00 for a non-dischargeable bankruptcy debt. A balance of \$19,605.00 as of February 11, 1992, plus accruing costs of this action remains outstanding.

In addition, you are hereby notified that there are exemptions under the law which may prevent some of the property from being taken by the Government if Richard Bangert can show that the exemptions apply. Attached is a summary of the major exemptions which apply in most situations in the State of Iowa.

If you are Richard Bangert you have a right to ask the Court to return your property to you if you think you do not owe the money to the Government that it claims you do, or if you think the property the Government is taking qualifies under one of the exemptions.

If you want a hearing, you must notify the Court within twenty (20) days after receipt of the notice. You must make your request in writing, and either mail it or deliver it in person to the Bankruptcy Clerk of Court at 425 Second Street, S.E., Suite 800, Cedar Rapids, Iowa, 52401. If you wish, you may use this notice to request the hearing by checking the box below and mailing this notice to the Government at U.S. Attorney's Office, 425 Second Street, S.E., Suite 950, The Center, Cedar Rapids, Iowa, 52401, so the Government will know you want a hearing. The hearing will take place within five (5) days after the clerk receives your request, if you ask for it to take place that quickly, or as soon after that as possible.

At the hearing you may explain to the judge why you think you do not owe the money to the Government. If you do not request a hearing within twenty (20) days of receiving this notice, your property may be sold at public auction and the proceeds of the sale will be applied to the debt you owe the Government.

If you think you live outside the Federal judicial district which the Court is located, you may request, not later than twenty (20) days after you receive this notice, that this proceeding to take your property be transferred by the Court to the Federal judicial district in which you reside. You must make your request in writing, and either mail it or deliver it in person to the Bankruptcy Clerk of the Court, 425 Second Street, S.E., Suite 800, Cedar Rapids, Iowa, 52401. You must also send a

copy of your request to the Government at U.S. Attorney's Office, 425 Second Street, S.E., Suite 950, The Center, Cedar Rapids, Iowa, 52401, so the Government will know you want the proceeding to be transferred.

Be sure to keep a copy of this notice for your own records. If you have any questions about your rights or about this procedure, you should contact a lawyer, an office of public legal assistance, or the bankruptcy clerk of the court. The bankruptcy clerk is not permitted to give legal advice, but can refer you to other sources of information.

Date: 5-14-92

BARBARA A. EVERLY  
CLERK, U.S. BANKRUPTCY COURT

By: *Michael A. Galay*  
Deputy Clerk

---

REQUEST FOR HEARING

☐ I hereby request a court hearing. Notice of the hearing should be given to me by mail at:

---

(Address)

---

or telephonically at \_\_\_\_\_.  
(Telephone Number)

Date: \_\_\_\_\_

---

Signature of Judgment Debtor

---

Judgment Debtor's printed name

UNITED STATES BANKRUPTCY COURT  
NORTHERN DISTRICT OF IOWA

IN RE: RICHARD BANGERT,	)	CHAPTER 7
	)	
Debtor,	)	Case No. X 89-1866S
	)	
UNITED STATES OF AMERICA,	)	Adversary No. X 90-0051S
	)	
Plaintiff,	)	
	)	
v.	)	
	)	
RICHARD BANGERT,	)	
	)	
Defendant.	)	

NOTICE TO JUDGMENT DEBTOR ON  
HOW TO CLAIM EXEMPTIONS

The attached pre-judgment or post-judgment process has been issued on request of the United States of America.

The law provides that certain property and wages cannot be taken. Such property is said to be exempted. This Notice lists the exemptions under federal law and your state law. There is no exemption solely because you are having difficulty paying your debts.

If you claim an exemption, you should (i) select either the federal Bankruptcy Code exemptions or the state law exemptions, (ii) fill out the claim for exemption form and (iii) deliver or mail the form to the Clerk's Office of this court and counsel for the United States. You have a right to a hearing within five business days, or as soon as practicable, from the date you file your claim with the court.

If the United States of America as creditor is asking that your wages be withheld, the method of computing the amount of wages which are exempt from garnishment by law is indicated on the Claim for Exemption Form which is attached. You do not need to file a claim for exemption to receive this exemption, but if you believe the wrong amount is being withheld, you may file a claim for exemption.

If you request a hearing, you should come to court ready to explain why your property is exempted, and you should bring any documents which may help you prove your case. If you do not come to court at the designated time and prove that your property is exempt, you may lose some of your rights.

It may be helpful to you to seek the advice of an attorney in this matter.

CLAIM FOR EXEMPTION FORM

MAJOR EXEMPTIONS UNDER FEDERAL LAW

I claim that the exemption(s) which are checked below apply in this case:

- \_\_\_ 1. Social Security benefits and Supplemental Security income (42 U.S.C. § 407).
- \_\_\_ 2. Veteran's benefits (38 U.S.C. § 3101).
- \_\_\_ 2a. Members of armed services annuities (10 U.S.C. § 1440, 38 U.S.C. § 562).
- \_\_\_ 3. Federal civil service retirement benefits (5 U.S.C. § 8346 and 22 U.S.C. § 4060(c)).
- \_\_\_ 4. Annuities to survivors of federal judges (28 U.S.C. § 376(n)).
- \_\_\_ 5. Longshoremen and Harborworkers Compensation Act (33 U.S.C. § 916).
- \_\_\_ 6. Black lung benefits (30 U.S.C. §§ 931(b)(2)(F) and 932(a)).
- \_\_\_ 6a. Seaman's master's or fisherman's wages, except for child support or spousal support and maintenance (46 U.S.C.A. §§ 1108-1109(a-c)).
- \_\_\_ 6b. Railroad retirement, pension, unemployment benefits (45 U.S.C. §§ 231(m), 352(e)).
- \_\_\_ 7. Compensation for war risk hazards (42 U.S.C. § 1717).
- \_\_\_ 8. BANKRUPTCY CODE (Title 11, United States Code) which generally provides exemptions for:
- \_\_\_ 8a. \$7,500 in equity in a residence.

<u>Address of Residence</u>	<u>Fair Market Value</u>	<u>Liens</u>	<u>Equity</u>
_____	\$ _____	\$ _____	\$ _____
_____			



\_\_\_ 8b. \$1,200 in equity in a motor vehicle.

Property Claimed:

Fair Market Value

\$ \_\_\_\_\_

\_\_\_ 8c. \$500 in jewelry.

Property Claimed:

Fair Market Value

\$ \_\_\_\_\_

\_\_\_ 8d. \$4,000 in personal property.

Property Claimed:

Fair Market Value

\$ \_\_\_\_\_

\_\_\_ 8e. In addition, a debtor who does not own a residence or who has less than \$7,500 in equity in a residence may exempt an additional \$3,750 in personal property. Additional exemptions or limited exemptions apply to such items as insurance contracts, pensions and various benefits such as Social Security.

Property Claimed:

Fair Market Value

\$ \_\_\_\_\_

**NOTE:**

If you select the Bankruptcy Code exemptions (lines 8a through 8e above), you may not also claim the state law exemptions listed below.

MAJOR EXEMPTIONS UNDER STATE LAW

NOTE: If you select the exemptions available under state law, the law of the state where you have been domiciled for the greater part of the last 180 days governs your rights.

\_\_\_ 9. State of Iowa, which generally provides exemptions for:

\_\_\_ 9a. Homestead Exemption

		<u>Statute</u>	<u>Fair Market Value</u>
___ (i)	½ A in city plot (give address) _____ _____	\$ 561.1	\$ _____
___ (ii)	40 A if not w/i city plot (give description) _____ _____		\$ _____
___ 9b.	Wearing apparel not to exceed \$1,000 total value and wedding/engagement rings	\$ 627.6	\$ _____ \$ _____
___ 9c.	One shot gun and either one rifle or one musket (describe) _____ _____ _____		\$ _____
___ 9d.	Private libraries, bibles, potraits, pictures, or paintings not to exceed \$1,000 total value (describe) _____ _____		\$ _____
___ 9e.	Burial Plot		\$ _____
___ 9f.	Household furnishings, goods or appliances not to exceed a total of \$2,000 (list items separately) _____ _____ _____ _____ _____		\$ _____ \$ _____ \$ _____ \$ _____ \$ _____

\_\_\_\_ 9g. Life insurance (describe) \$ \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

\_\_\_\_ 9h. Professionally prescribed health aids (describe) \$ \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

\_\_\_\_ 9i. Debtors rights

(1) Social Security Benefits, unemployment compensation, or public assistance benefits (circle one) \$ \_\_\_\_\_

(2) Veterans Benefit \$ \_\_\_\_\_

(3) Disability or illness Benefits \$ \_\_\_\_\_

(4) Alimony, support or separate maintained to the extent necessary for support \$ \_\_\_\_\_

(5) Payments under pension, annuity or similar plan to extent necessary for support (describe) \$ \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

\_\_\_\_ 9j. Any combination of the following not to exceed a total value of \$5,000

(1) Musical instruments for personal use (describe) \$ \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

(2) One motor vehicle (give make, model, year and license number) \$ \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

(3) Tax refunds up to \$1,000 \$ \_\_\_\_\_

\_\_\_\_ 9k. Debtors interest in cash on hand, not to exceed \$100 in the aggregate

\_\_\_\_ 9l. If the debtor is engaged in a profession other than farming, the implements, books, tools of the trade not to exceed a total value of \$10,000 (state the profession and list each item)

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

\$ \_\_\_\_\_  
\$ \_\_\_\_\_  
\$ \_\_\_\_\_  
\$ \_\_\_\_\_  
\$ \_\_\_\_\_

\_\_\_\_ 9m. If the debtor is engaged in farming, the implements, equipment, livestock and feed reasonably related to normal farming operation (list items separately)

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

\$ \_\_\_\_\_  
\$ \_\_\_\_\_  
\$ \_\_\_\_\_  
\$ \_\_\_\_\_  
\$ \_\_\_\_\_

\_\_\_\_\_  
Richard Bangert  
Judgment Debtor/Defendant

FILED  
U.S. BANKRUPTCY COURT  
NORTHERN DISTRICT OF IOWA

JUN 10 1992

BARBARA A. EVERLY, CLERK

UNITED STATES BANKRUPTCY COURT  
NORTHERN DISTRICT OF IOWA

IN RE: RICHARD BANGERT,	)	CHAPTER 7
	)	
Debtor,	)	Case No. X 89-1866S
	)	
UNITED STATES OF AMERICA,	)	Adversary No. X 90-0051S
	)	
Plaintiff,	)	
	)	
v.	)	
	)	
RICHARD BANGERT,	)	
	)	
Defendant,	)	
	)	
and	)	
	)	
IOWA ELECTRIC LIGHT & POWER CO.,	)	
	)	
Garnishee.	)	

RELEASE OF WRIT OF CONTINUING GARNISHMENT

The United States of America, Plaintiff, hereby releases the Writ of Continuing Garnishment currently pending. The United States has been in contact with the Defendant's attorney and the Garnishee and has advised them the garnishment would be released.

WHEREFORE, the United States hereby releases the garnishment currently pending.

CERTIFICATE OF SERVICE  
I certify that I mailed/hand delivered a  
copy of the foregoing document to all  
parties to this case. This certificate is attached to the parties or  
attorneys of record, shown below, on the  
10th day of June, 1992.  
By: Charles W. Larson  
UNITED STATES ATTORNEY  
Copies to:

Al Ford  
Iowa Electric Light & Power

Respectfully submitted,

CHARLES W. LARSON  
United States Attorney

By: Kristin I. Tolvstad

KRISTIN I. TOLVSTAD  
Assistant United States Attorney  
425 Second Street S.E.  
Suite 950, The Center  
Cedar Rapids, Iowa 52401  
319-363-6333  
Bk. I.D. No. 87654

Copy handed to  
filing attorney  
on date filed AN

JUN 10 1992

UNITED STATES BANKRUPTCY COURT  
NORTHERN DISTRICT OF IOWA

IN RE: RICHARD BANGERT,	)	CHAPTER 7
	)	
Debtor,	)	Case No. X 89-1866S
	)	
UNITED STATES OF AMERICA,	)	Adversary No. X 90-0051S
	)	
Plaintiff,	)	
	)	
v.	)	
	)	
RICHARD BANGERT,	)	
	)	
Defendant,	)	
	)	
and	)	
	)	
IOWA ELECTRIC LIGHT & POWER CO.,	)	
	)	
Garnishee.	)	

BARBARA A. EVERLY, CLERK

MOTION FOR ENTRY OF FINAL ORDER IN GARNISHMENT  
AND FOR RECOVERY OF SURCHARGE

Plaintiff, United States of America, respectfully requests the Court to enter the Final Order in Garnishment in this matter pursuant to 28 U.S.C. § 3205, and grant the United States a ten percent (10%) surcharge of the amount of the debt. In support of this motion, the United States respectfully states to the Court the following:

1. An Application for Writ of Garnishment was filed by the United States of America, and a Writ of Garnishment directed to Garnishee was duly issued and served upon the Garnishee.

2. Pursuant to the Writ of Garnishment, the Garnishee filed an Answer stating that at the time of the service of the Writ it had in its possession or under its control personal property belonging to and due defendant, in the form of earnings.

3. The defendant was served with a copy of the Writ of Garnishment and notified of his right to a hearing. The defendant has not requested a hearing to determine exempt property.

4. 28 U.S.C. § 3205(b)(4) states:

After the garnishee files an answer and if no hearing is requested within the required time period, the court shall promptly enter an order directing the garnishee as to the disposition of the judgment debtor's non-exempt interest in such property.

5. Pursuant to 28 U.S.C. § 3011, Plaintiff is entitled as part of this proceeding to recover a surcharge of ten percent (10%) of the amount of the debt. As set forth in the Writ of Garnishment, the amount of the debt on May 14, 1992, was \$19,605.00.

6. Defendant's attorney, Al Ford has been contacted and has no objection to immediate entry of the Final Order in Garnishment.

WHEREFORE, all conditions to the issuance of a final order in garnishment against the non-exempt earnings of the defendant are fully satisfied. The United States respectfully requests that a Final Order in Garnishment be issued and that the Court grant Plaintiff its right to recover the ten percent (10%) surcharge pursuant to 28 U.S.C. § 3011.

CERTIFICATE OF SERVICE  
I certify that I mailed/hand delivered a  
copy of the foregoing document to which  
this certificate is attached to the parties or  
attorneys of record, shown below, on the  
10th day of June, 1992  
UNITED STATES ATTORNEY  
J. Gregory  
cc: to:

Al Ford  
Iowa Electric Light & Power

Respectfully submitted,

CHARLES W. LARSON  
United States Attorney

By, 

KRISTIN I. TOLVSTAD  
Assistant United States Attorney  
425 Second Street S.E.  
Suite 950, The Center  
Cedar Rapids, Iowa 52401  
319-363-6333  
Bk. I.D. No. 87654



UNITED STATES BANKRUPTCY COURT  
NORTHERN DISTRICT OF IOWA

IN RE: RICHARD BANGERT,	)	CHAPTER 7
	)	
Debtor,	)	Case No. X 89-1866S
	)	
UNITED STATES OF AMERICA,	)	Adversary No. X 90-0051S
	)	
Plaintiff,	)	
	)	
v.	)	
	)	
RICHARD BANGERT,	)	
	)	
Defendant,	)	
	)	
and	)	
	)	
IOWA ELECTRIC LIGHT & POWER CO.,	)	
	)	
Garnishee.	)	

FILED  
U.S. BANKRUPTCY COURT  
NORTHERN DISTRICT OF IOWA

JUN 11 1992

BARBARA A. EVERLY, CLERK

FINAL ORDER IN GARNISHMENT

This matter is before the Court upon Plaintiff's Motion for Entry of Final Order and Garnishment and for Recovery of Surcharge, filed June 10, 1992, concerning Iowa Electric Light and Power Co., Garnishee, as well as a request filed by the United States for the Release of Writ of Continuing Garnishment filed June 10, 1992,

In its Motion for Entry of Final Order and Garnishment, the United States indicates it is appropriate, with respect to the garnishment, that a final order and garnishment be issued. Based upon the representations of the United States, it also appears that the United States currently holds monies obtained pursuant to the garnishment and therefore desires final disposition of said monies.


The Court notes that pursuant to the representations set forth by the United States, the Defendant, Richard Bangert, was previously served with the Writ of Garnishment and notified of his right to a hearing. The Defendant has not requested any hearing to determine exempt property. Accordingly, pursuant to Title 28 U.S.C. § 3205(b)(4), it is appropriate that the Court now order final disposition of the judgment debtor's non-exempt interest in the property garnished. The Court further notes that pursuant to Title 28 U.S.C. § 3211, the Plaintiff is entitled as part of this proceeding to recover a surcharge of ten percent (10%) of the amount of the debt.

The Court further notes that the United States has requested, with respect to the garnishee, that the Writ of Continuing Garnishment be released. The Court notes that it is appropriate for the garnishee to be released of all obligations pursuant to their respective Writ of Continuing Garnishment since the Defendant has arranged for another payment method.

IT IS THEREFORE ORDERED, Iowa Electric Light & Power Co. Garnishee, pay to Plaintiff all monies or personal property belonging to and due Defendant that said garnishee withheld pursuant to the Writ of Continuing Garnishment, that has not been previously forwarded to Plaintiff. Upon the forwarding of all payments previously held, garnishee is released from its obligations pursuant to the Writ of Continuing Garnishment previously filed.

IT IS FURTHER ORDERED that all payments shall be sent to the office of the United States Attorney, 425 Second Street, S.E., Suite 950, Cedar Rapids, Iowa, 52401. The United States may dispose of, deposit and apply to the outstanding debt all other monies received pursuant to the Writ of Continuing Garnishment.

IT IS FURTHER ORDERED that pursuant to Title 28 U.S.C. § 3211, Plaintiff shall recover from the Defendant a surcharge of ten percent (10%) of the amount of the debt which amount is \$1,960.50.

  
\_\_\_\_\_  
MICHAEL J. MELLODY  
U.S. Bankruptcy Court  
Northern District of Iowa

Prepared and submitted by:

Kristin I. Tolvstad  
Assistant U.S. Attorney  
for the United States of America

Copy to:  
Kris Tolvstad;  
Donald Molstad;  
Alvin Ford;  
U.S. Trustee;  
this 6/12/92 jh

UNITED STATES BANKRUPTCY COURT  
NORTHERN DISTRICT OF IOWA

NOV 25 1992

IN RE: RICHARD BANGERT,	)	CHAPTER 7	BARBARA A. EVERLY CLERK
	)		
Debtor,	)	Case No. X 89-1866S	
	)		
UNITED STATES OF AMERICA,	)	Adversary No. X 90-0051S	
	)		
Plaintiff,	)	I.D. # 87654	
	)		
v.	)	CUMULATIVE ACCOUNTING	
	)	UPON TERMINATION OF	
RICHARD BANGERT,	)	GARNISHMENT	
	)		
Defendant.	)		

TO: Richard M. Bangert  
P.O. Box 523  
Spirit Lake, Iowa 51360

Iowa Electric Light & Power Company  
P.O. Box 351  
Cedar Rapids, Iowa 52406

*Subject  
Book*

*U.S. 111*

*30*

The garnishment filed on behalf of the United States of America, against Richard M. Bangert, was terminated on June 10, 1992, with a voluntary release of the garnishment pursuant to an agreement between the parties.

The Final Order in Garnishment was entered on June 11, 1992. Pursuant to this garnishment, the United States has received a total of \$478.98 which has been applied to Defendant's account.

You are notified that you have ten (10) days from the receipt of this notice to file a written objection to the accounting and a request for hearing in accordance with Title 28, U.S.C. § 3205(c)(9)(B). If you do object, you must state your grounds for objection and send the written objection to the United States Bankruptcy Court, 320 6th Street, Federal Building,

*Recorded U.S. 111  
page 30*

Sioux City, Iowa, 51101 and the United States Attorney's Office,  
P.O. Box 74950, Cedar Rapids, Iowa 52407-4950.

Respectfully submitted,

CHARLES W. LARSON  
United States Attorney

BY, 

KRISTIN I. TOLVSTAD - 87654  
Assistant United States Attorney  
P.O. Box 74950  
Cedar Rapids, Iowa 52407-4950  
319-363-0091

Copy handed to  
filing attorney  
on date filed 